United Nations A/HRC/38/19

General Assembly

Distr.: General
2 May 2018

Original: English

Human Rights Council
Thirty-eighth session
18 June–6 July 2018
Agenda items 2 and 3
Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Summary of the high-level panel discussion dedicated to the seventieth anniversary of the Universal Declaration of Human Rights and the twenty-fifth anniversary of the Vienna Declaration and Programme of Action

Report of the United Nations High Commissioner for Human Rights

Summary

The present summary was prepared pursuant to Human Rights Council resolution 35/1, in which the Council decided to convene a high-level panel discussion to commemorate the seventieth anniversary of the Universal Declaration of Human Rights and the twenty-fifth anniversary of the adoption of the Vienna Declaration and Programme of Action, with a particular focus on the implementation of the provisions thereof, including the benefits of enhanced international cooperation in that regard. The panel discussion, organized by the Office of the United Nations High Commissioner for Human Rights, was held on 28 February 2018.

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I. Introduction

1. Pursuant to its resolution 35/1, on 28 February 2018, at its thirty-seventh session, the Human Rights Council held a high-level panel discussion to commemorate the seventieth anniversary of the Universal Declaration of Human Rights and the twenty-fifth anniversary of the adoption of the Vienna Declaration and Programme of Action, with a particular focus on the implementation of the provisions thereof, including the benefits of enhanced international cooperation in that regard. In resolution 35/1, the Council also requested the Office of the United Nations High Commissioner for Human Rights (OHCHR) to liaise with States, relevant United Nations bodies and agencies, treaty bodies, special procedures and regional human rights mechanisms, and with civil society, including non-governmental organizations (NGOs), and national human rights institutions, with a view to ensuring their participation in the panel discussion. The present summary report of the panel discussion was prepared pursuant to the Council's request to that effect contained in resolution 35/1.

2. The panel discussion offered a valuable opportunity to raise awareness and to reflect on achievements, best practices and challenges with regard to the full realization of human rights and fundamental freedoms, and the benefits of enhanced international cooperation to that end.

3. The panel was chaired and moderated by the President of the Human Rights Council, Vojislav Šuc. The discussion was opened by the United Nations High Commissioner for Human Rights, Zeid Ra'ad Al Hussein, and the Director of the Department for Humanitarian Cooperation and Human Rights of the Ministry of Foreign Affairs of the Russian Federation and Commissioner for Human Rights, Democracy and Rule of Law, Anatoly Victorov. The panel was composed of: the Special Representative for the Austrian Organization for Security and Cooperation in Europe (OSCE) Chairmanship 2017 and former Special Representative and Ambassador for the World Conference on Human Rights (1992–1993), Christian Strohal; the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, Leilani Farha; member of the Human Rights Committee and former Special Rapporteur on extrajudicial, summary or arbitrary executions, Christof Heyns; and senior advisor at Women Political Leaders Global Forum and former member of the Committee on the Rights of Persons with Disabilities, Şafak Pavey.

4. The panel discussion was made accessible to persons with disabilities, in order to promote their participation in the work of the Council on an equal basis with others. International sign language interpretation and real-time captioning were provided in the room and on the webcast.

II. Opening statements

5. The United Nations High Commissioner for Human Rights said that both his and the Human Rights Council's mandates were rooted in the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action. The panel, therefore, represented an occasion to reaffirm the commitment to those fundamental texts. The Universal Declaration enshrined a promise made by States to uphold the equality and inherent rights of every human being. At the time of the negotiations of the Universal Declaration, uniform practice had not been a goal, as the drafters had sought to show that the coexistence of States with differing economic conceptions and differing regimes was possible. Therefore, the Universal Declaration was not a projection of partisan politics, or a project for world domination.

6. The original push to draw up the Universal Declaration had come from anti-imperialist, anti-racist movements in countries of the global South. Indeed, while Western countries, including France, the United Kingdom of Great Britain and Northern Ireland and the United States of America, had initially been reluctant, Latin American States, with their experiences of slavery, colonialism and foreign domination, had pushed for international human rights measures even before the Second World War. Furthermore, once discussions

had begun, the Philippines had insisted on powerful language prohibiting torture. India and Pakistan had strongly backed the rights of women. China, Costa Rica, Ghana, Jamaica, Lebanon and Liberia had championed language on justice and the dignity and worth of the human person. Those values were drawn from cultures and traditions across the world. The rights to justice, equality, freedom and dignity and the imperatives of compassion stood out as universal. The universality of all human rights bound all peoples of the world together and gave the Universal Declaration its deep resonance. No other document in history had been translated into as many languages as the Universal Declaration.

7. The Vienna Declaration had taken that fundamental notion of universality a step further: all States recognized that all human rights were indivisible, interdependent and interrelated. Civil and political rights, economic, social and cultural rights and the right to development built on each other and advanced together. Access to social protections and economic opportunities formed a powerful antidote to the spread of violent extremism. Similarly, measures to end discrimination and uphold the freedom to speak out accelerated sustainable development. The Declaration on the Right to Development emphasized the right of all individuals and peoples to free, active and meaningful participation in decisions.

8. When seeking to become members of the Human Rights Council, States pledged that they would act without selectivity. Any selectivity, whether it involved an exclusive focus on particular rights, or political action on behalf of allies, would damage the Council's legitimacy and impact. The provision of governance and economic systems rooted in dignity was the responsibility of every Government, in all regions, at every level of development: such systems not only underpinned the legitimacy of all Governments, but were also conducive to the creation of resilient societies.

9. At the global level, respect for international law, including international human rights law, was essential to peaceful coexistence among States, particularly smaller and less-developed States. Fractures across the world were deepening and blind nationalism had led to the pursuit of narrowly defined national interests at the expense of the common good. Thus, the anniversaries of the Universal Declaration of Human Rights and of the adoption of the Vienna Declaration and Programme of Action should remind everyone of the disasters and the catastrophic violence that might ensue should the commitments made 70 years previously to the universal values of humanity be violated.

10. The Director of the Department for Humanitarian Cooperation and Human Rights of the Ministry of Foreign Affairs of the Russian Federation and Commissioner for Human Rights, Democracy and Rule of Law said that the Universal Declaration of Human Rights had been adopted 70 years previously, in the wake of the most tragic period in the history of the twentieth century, the Second World War, at the dawn of the United Nations and of a new world order based on international law. The process for its adoption had been characterized by intense and heated discussions. Unfortunately, attempts to arbitrarily interpret the provisions of the Universal Declaration persisted. Thus, it was important to emphasize the timeless relevance of the Universal Declaration, which constituted a universal human rights compass for the international community as a whole.

11. The 1993 World Conference on Human Rights, which had resulted in the adoption of the Vienna Declaration and Programme of Action, had strengthened two important tenets, namely, the interdependence and the indivisibility of all human rights. Moreover, the Conference had contributed to consolidating the positions of States in all regions of the world with regard to an agreed document. The Vienna Declaration had subsequently been quoted in practically all human rights documents.

12. The anniversaries of the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action, which were both pivotal documents, provided an opportunity for international organizations, States and civil society to enhance human rights in all spheres. The commemoration was an opportunity to evaluate how the United Nations could be rendered more authoritative in the promotion and protection of human rights, and to analyse achievements, highlight problems and design new strategies, in order to face new challenges. The human rights enshrined in the Universal Declaration and in the Vienna Declaration and Programme of Action could only be effectively promoted if those

instruments were implemented on the basis of equal, mutually respectful and instructive cooperation among States.

III. Contributions of the panel

13. The President of the Human Rights Council said that, early on during the thirty-seventh session of the Human Rights Council, States had repeatedly referred to the Universal Declaration. However, full implementation of the instrument remained some way off. He addressed a number of specific questions to each of the panellists, and invited them all to share their observations on the most important achievement of the Declaration since its adoption.

14. Mr. Christian Strohal shared his thoughts on the expectations at the Vienna Conference and on how delegations had worked together to adopt the Vienna Declaration and Programme of Action. In the light of the favourable global political conditions following the end of the Cold War, States had decided to move forward and fulfil the promise enshrined in the Universal Declaration. In operational terms, the Universal Declaration was a promise: in Vienna, the idea had been to operationalize that promise by transforming it into an action-oriented result.

15. The Vienna Conference had been the result of a two-year preparatory process, characterized by disagreement on several points in the concluding document. The process had ignited the development of a global movement, with civil society organizations at its root. More than 3,000 such organizations had come to Vienna, creating momentum that had motivated States to act. That movement in itself had shown Governments not only the global nature of the promise enshrined in the Universal Declaration, but also the global nature of the response expected to that promise. The universality of all human rights, the shared obligations and responsibility and the engagement of civil society had led States to establish OHCHR.

16. Ms. Farha said that it was important to revisit the founding documents of human rights. People on the ground were aware of their human rights, contrary to the common assumption. However, the level of recognition of human rights by all Governments and at all levels of government was lower. Although government officials had some general knowledge of human rights, there were misconceptions about social and economic rights, which were perceived as being unenforceable.

17. Institutional and accountability mechanisms were the most effective tools for familiarizing members of the public with their social, economic, and cultural rights. It would be extremely useful to give individuals the possibility of bringing their cases on the right to housing before courts, tribunals and local community councils and to have a constitutional provision recognizing the right to adequate housing and other economic and social rights. Within society, there was a need for a human rights-based culture in each national context.

18. Mr. Heyns said that, at the end of the Second World War, the then recently adopted Charter of the United Nations had referred to human rights, without explaining what they were. The Universal Declaration of Human Rights had filled that gap, but was not in itself a binding instrument. Indeed, it was only with the successive adoption of the nine core human rights treaties that the norms inherent in the Universal Declaration had been provided with legally binding force.

19. The human rights treaty system would not have made a difference on its own. The treaty-based mechanisms with the individual communications system, the States' reports and the general comments brought added value. Moreover, the special procedures of the Human Rights Council and the universal periodic review complemented the system. The idea at the core of human rights was that each individual had an immeasurable value and could not be sacrificed for the common good. The human rights treaties and their mechanisms turned that concept into a reality, and transformed the promise of the Universal Declaration into something that could be enforced.

20. Ms. Pavey said that the Universal Declaration of Human Rights, the Vienna Declaration and Programme of Action and the human rights treaty system made discrimination in all its forms unacceptable. The recognition of that fundamental tenet by all States represented one of the most basic forms of respect for human rights. The impact of the Universal Declaration and the Vienna Declaration and Programme of Action was not abstract. The accessibility of the present panel to persons with disabilities, the equal representation of female and male panellists and the participation of both Member States and civil society organizations in the work of the Human Rights Council were all proof of the realization of the principles and rights enshrined in the above-mentioned instruments.

21. At the end of the Second World War, finding common ground had appeared to be an impossible task, and yet, the adoption of the Universal Declaration had shown that the identification of common values was conceivable and actionable.

IV. Summary of the discussion

22. Representatives of the following delegations made statements during the discussion: South Africa; Indonesia, on behalf of the Association of Southeast Asian Nations; Mexico, speaking on behalf of the sponsors of the initiative entitled "UN70: a new agenda";[1] Chile, speaking also on behalf of Argentina, Brazil, Colombia, Costa Rica, Guatemala, Mexico, Paraguay, Peru and Uruguay; Denmark, speaking also on behalf of Estonia, Finland, Iceland, Latvia, Lithuania, Norway and Sweden; European Union; Canada, speaking on behalf of the member States of the International Organization of la Francophonie; Republic of Korea, on behalf of Mexico, Indonesia, Republic of Korea, Turkey and Australia; Belgium, speaking also on behalf of Luxembourg and the Netherlands; Australia, speaking also on behalf of Canada, Iceland, Liechtenstein, New Zealand, Norway and Switzerland; China, speaking on behalf of a group of like-minded countries; Jordan, speaking on behalf of the Group of Arab States; Nepal, speaking on behalf of a group of countries;[2] Togo, on behalf of the African Group; Ethiopia; Brazil; Switzerland; Botswana; Israel; Egypt; Spain; Slovenia; Viet Nam; and Poland.

23. Representatives of the Global Alliance of National Human Rights Institutions and the following NGOs participated in the discussion: International Service for Human Rights, International Association of Democratic Lawyers, Amnesty International, Human Rights Watch and World Alliance for Citizen Participation.

A. Issues raised during the discussion

24. All speakers recognized the fundamental importance of the Universal Declaration of Human Rights and the Vienna Declaration and Programme of Action, while highlighting that their anniversaries provided an opportunity to reflect upon achievements, challenges and future opportunities. States recalled that the Universal Declaration had emerged as a point of consensus among nations after the atrocities of the Second World War. Many delegations stressed that the Universal Declaration was a common aspiration and standard for all peoples and nations of the world, and constituted a compass for international relations. Several speakers stated that the Vienna Declaration reaffirmed that all human rights were universal, indivisible, interdependent and interrelated. Many delegations recalled that the Vienna Declaration and Programme of Action strengthened the interrelationship between peace, security, human rights and development. The instrument also: contributed to the promotion of the human rights of women, children and indigenous peoples; recognized that extreme poverty and social exclusion constituted a violation of human dignity; reaffirmed the right to development as a universal and inalienable right and

[1] Colombia, Ethiopia, Ghana, Indonesia, Jordan, Mexico, New Zealand and Norway.

[2] Beneficiaries of the Voluntary Technical Assistance Trust Fund to Support the Participation of Least Developed Countries and Small Island Developing States in the Work of the Human Rights Council: Afghanistan, Antigua, Bahamas, Bangladesh, Democratic Republic of the Congo, Haiti, Nepal, South Sudan and Yemen.

an integral part of fundamental human rights; and acknowledged the role of civil society and of national human rights institutions in the implementation of the human rights agenda. The Universal Declaration and the Vienna Declaration and Programme of Action embodied the aspirations of a world committed to respecting the human rights and fundamental freedoms of all people.

25. Several delegations stated that the Universal Declaration constituted a guide in the implementation of the 2030 Agenda for Sustainable Development. The pledge to leave no one behind enshrined in the Agenda reflected the centrality of human rights regarding the achievement of sustainable development. A number of representatives of NGOs said that the above-mentioned pledge should be translated into a more significant role for human rights in efforts to address inequalities. Many representatives of States highlighted the fact that civil, cultural, economic, political and social rights must be treated equally when striving to achieve the Sustainable Development Goals. In the view of some delegations, development and respect for human rights were inalienably interlinked and one could not be achieved without the other. Other delegations stated that effective international cooperation with a global reach would be conducive to the realization of the right to development.

26. A number of delegations stressed that, in order to translate the principles and standards of the Universal Declaration into concrete results, human rights should be put at the centre of conflict-prevention and violence-reduction measures. One of the best ways to support sustainable security grounded in international law was through investment in human rights in the context of open societies. Several delegations emphasized the importance of technical cooperation, capacity-building initiatives and coordination and complementarity between national, regional and international mechanisms, in order to implement human rights holistically.

27. In terms of human rights advances, representatives of a number of States recalled the adoption of international agreements and the establishment of international institutions dedicated to human rights. Referring to the implementation of the human rights agenda, some delegations stressed the importance of the respect for sovereignty, in line with the Charter of the United Nations. Human rights should not be used as a political tool in a selective manner.

28. The commemoration of the anniversaries of the two declarations provided an opportunity to identify persisting challenges and obstacles regarding the full implementation of the commitments contained in the instruments.

29. Certain speakers said that they were concerned at the weak implementation of the Universal Declaration, arising, inter alia, from: the absence of an enabling environment for sustainable development; shrinking space for civil society; pressing humanitarian crises; continuing threats to human rights defenders; persistent poverty and hunger in many regions of the world; and a tendency to underestimate the significance of economic, social and cultural rights.

30. Referring to the rise of extremism and terrorism, some delegations noted with concern the unprecedented level of violence affecting, for instance, minorities and ethnic groups. Terrorist attacks were a threat to the realization of the right to life.

31. Many representatives of States observed that the universality, indivisibility and interdependence of human rights were constantly being challenged in favour of special interests and considerations. Several speakers emphasized the need to overcome the false dichotomy between human rights and national sovereignty. Concerns were also expressed with regard to inequalities among people and nations. A number of delegations singled out the gap between commitments and implementation at the country level as one of the factors undermining the very essence of the Universal Declaration.

32. In the view of many delegations, discrimination against and exclusion of specific groups remained a reality. Several representatives of States highlighted the current worrying trend of discrimination based on sexual orientation or gender identity. Some delegations also pointed out that persons with disabilities continued to face severe disadvantages.

33. The panel discussion provided participants with the possibility of commenting on the human rights system and of identifying those aspects that should be improved, so as to guarantee its effective functioning. Many delegations stressed the need to strengthen the international human rights framework by providing the necessary financial and political support for the Human Rights Council, other United Nations human rights mechanisms and OHCHR. A number of delegations stated that the United Nations as a whole should strengthen international cooperation and mobilize resources for the promotion and protection of human rights.

34. Several representatives highlighted the valuable contribution of the Human Rights Council in the promotion and protection of human rights. The Council was the guardian of rights and freedoms across the globe. In the view of some delegations, the Council should play a significant role in assisting States to build solid and resilient national institutions with a mandate to address obstacles to the full implementation of the Universal Declaration of Human Rights. Some delegations underlined that the Council and the universal periodic review should be considered a global platform for cooperation and dialogue among Member States regarding the fulfilment of their human rights obligations at the national, regional and international levels. A number of delegations singled out politicization and double-standards as the major challenges in the work of the Council, calling on the Council and other human rights mechanisms to fulfil their mandates in a more impartial, constructive and non-selective manner.

35. Many delegations commended the work carried out by the United Nations High Commissioner for Human Rights. The substantial role played by OHCHR in enhancing the promotion and protection of human rights was acknowledged.

36. The panel was asked to answer and comment on a set of questions raised by representatives. Delegations asked: (a) whether there were specific reasons behind the limited implementation of the rights enshrined in the declarations; (b) whether international cooperation and technical assistance had any role in the implementation of the Universal Declaration; (c) whether cooperation and coordination between existing human rights mechanisms in Geneva and New York could be made more effective; and (d) how the whole international community could develop a new human rights-oriented vision.

B. Responses by panellists

37. Mr. Strohal said that the implementation gap could be closed only if there were political will in that regard, and if those responsible for its existence were held accountable. One of the best ways to enhance cooperation between Geneva and New York would be through the Sustainable Development Goals, which provided a unique opportunity to feed the work done in Geneva to New York. He recalled that 2018 marked the twentieth anniversary of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms. The protection of human rights defenders was a crucial issue that epitomized respect for human rights, or rather the lack of it. The situation of journalists should not be forgotten, as they were the target of attacks and abuse in many parts of the world. In his view, Governments should not shoot the messenger, but heed the message. As for the role of cooperation and technical assistance, the follow-up to the universal periodic review was as an excellent tool that would help to bridge the gap between the national and international levels.

38. Ms. Farha stated that, in her view, based on her experience as Special Rapporteur, there was a significant divide between Geneva and New York. In her periodic reporting to the General Assembly, she had repeatedly pointed out that, in New York, there was a lack of constructive dialogue on social and economic rights at the level of the Third Committee. There was a certain discomfort in addressing human rights issues, mainly due to a lack of expertise. The Sustainable Development Goals would provide a bridge between the work done in Geneva and that carried out in New York. The implementation gap was closely linked to political will, mechanisms and accountability. States and subnational entities were not being creative in their approach to integrating the recommendations received at the

multilateral level regarding their national systems. The gap was also related to the systemic neglect of economic, social and cultural rights that contributed to generating social unrest. With regard to the structural weakening of the State, it was commonly perceived that States did not have sufficient resources to achieve the Sustainable Development Goals, and would need private sector support in that regard. The human rights system had not been effective in guaranteeing that States ensured, in line with their obligations, that private sector actors' conduct was consistent with human rights standards.

39. Mr. Heyns said that efforts to strengthen the international human rights system should focus in particular on regional human rights systems, in order to bring the human rights debate to the wider population. A top-down approach to human rights was not viable. The treaty bodies could hold one of their sessions in another part of the world. International and local-level moot courts and moot court competitions for students could be organized, in order to ensure that future generations internalized the values enshrined in the declarations.

40. Ms. Pavey said that elections for treaty body members were held primarily in New York and that the candidacies were not reflective of the human rights spirit. The membership of the human rights mechanisms and bodies should be more diverse. With regard to the effectiveness of the human rights system, the treaty bodies should not only issue recommendations, but also share best practices on the protection of human rights at the local level, thus making local communities aware of viable and effective solutions to human rights-related issues.

C. Concluding remarks

41. Ms. Pavey said that one of the greatest challenges regarding the universal implementation of human rights was resistance to human rights-based principles and values due to the persistence of various cultural beliefs and harmful traditional practices. In order to tackle that challenge, States needed to reach a consensus among wider society by organizing awareness-raising initiatives and cultural campaigns alongside the adoption of legislation prohibiting discriminatory practices. One of the greatest achievements of the Universal Declaration of Human Rights and of the Vienna Declaration and Programme of Action had been the creation of an environment that brought together civil society organizations and States. In the light of the above, the moment had arrived to turn domestic legislation and international treaties into reality and to integrate them into national and local cultures.

42. Mr. Strohal recalled that the Vienna Declaration and Programme of Action revealed the capacity of the international community to make, and to successfully see through to the end, an effort. The human rights system had been firmly established, with legal and institutional frameworks at the national, regional and international levels. One way to enhance the system's implementation would be to promote the politics of inclusion and engagement by turning the Programme of Action into real action. That point should be further addressed at a future high-level expert conference in Vienna, to be organized by the Government of Austria in order to assess the achievements and developments since the adoption of the Vienna Declaration and Programme of Action.

43. Mr. Heyns noted that one of the issues that remained to be addressed was that of overemphasis of nationalism and sovereignty. There were values and principles that transcended sovereignty, such as those enshrined in the Universal Declaration. The act of embracing those values formed part of the exercise of sovereignty. As a part of future work, the Universal Declaration must be disseminated at the grass-roots level.

44. Ms. Farha stated that she hoped that all States would ratify the Option Protocol to the International Covenant on Economic, Social and Cultural Rights in the coming years, in order to demonstrate their belief in the indivisibility and interdependence of all human rights.